

MINUTES
INDIANA BOARD OF FIREFIGHTING
PERSONNEL STANDARDS AND EDUCATION MEETING

Sept 28, 6 pm
Ivy Tech Homeland Security/Public Safety
Tech 4 Building
1313 Touby Pike
Kokomo IN 46901
317-496-9625

- A The meeting was called to order at 6 pm
- B. Rob Lund made a motion to approve the August 3, 2015 minutes as submitted. Chris Johnson seconded. Motion passed.

Grey Wyant introduced the new Board member, Geno Brabson. Geno is from Ft Wayne, started at the Ft Wayne FD, and retired from there. First started in dispatch, that was prior to women being firefighters, then in 1979 become a firefighter, and then worked in the fire prevention office, and fire education. Now she is on the Board.

Jeff Hayes welcomed the Board and members of the audience to the Ivy Tech training facility and gave a brief overview of the new facility. They have donations of equipment, containers, machinery, flashover containers; there is a concrete pad that will hold equipment. There is a local propane company that is donating the gas for training; there will be a tanker, a railcar and the Indpls. International Airport is donating an airplane for training purposes. Grissom has stated that they will be training out here when this is complete. We are not asking the state to build a training center or adding to it. This will also be available for district training when done.

Present

Greg Wyant
Burke Jones

Rob Lund
John Smith
Eric Gentry
Eric Dreiman
Chris Johnson
Genois Brabson
Robert Johnson, Assistant State Fire Marshal

Absent

James Greeson
Joe Romero
Tom Hanify

C. Administrative proceedings;

1. Administrative Cause No. DHS-1513-BFPSE-001, Derek Rollins, Non-Final Order of Dismissal.
Eric Gentry made a motion to approve the non-final order. Chris Johnson seconded. Motion passed.
2. Administrative Cause No. 14-26-BFPSE, John Cline, Non-Final Order of Dismissal.

Chris Johnson stated that he has thought long and hard about this and there are things that he would like to discuss. Mr. Johnson stated:

This Board is to serve the public and the state. An example is that our variances should not be viewed as an exception for an individual but a way for the state to take advantage of training not technically within our rules. The state benefits when someone can come in with training and be able to fight fires in Indiana. Our Board is entrusted with establishing standards and enforcing certification and it would be expected that they can also decertify when necessary. It is true that we have been inconsistent with this option but for Mr. Cline in particular there is one specific rule that is germane, and that in the rule, "the person has been convicted of an offense if the acts that resulted in the conviction have a direct bearing on whether or not the person shall be instructed to perform the activities permitted under any certification held by the fire service person or non-fire service person. Such conditions shall

include, without limitation, arson and child molestation” I have come up with 5 things that address my problem.

- The law judge concentrated on child molestation.

This is restrictive and not really germane. It says “if convicted of an offense” Mr. Cline is a felon. He is a convicted felon and that is an offense

- They set aside “ without limitation shall include child molestation and arson”

When it says offense, a parking ticket is an offense. So obviously it is up to us to interpret what our rule means. A parking ticket should have nothing to do with certification, 400 parking tickets, there is a problem. Why do the rules state child molestation and arson? Mr. Cline was convicted of child exploitation. I would like to see from the administrative law judge what his conditions actually were. My reading of child exploitation is conspiring to put a minor in pornographic movie to sell it. In my opinion that rises to the level of child molestation. So, I think what he has done, is child molestation.

- Mr. Cline has served all his time. He is no longer on the sex offender list, so that anything else we would do to him would be considered additional punishment. This is not additional punishment; this is a result of his history. This is just like a felon cannot own a gun, It is not additional punishment, it is a result of his history.
- I think the administrative law judge is in error in his property rights with Mr. Cline and his certifications. I guess this means that as a firefighter, no certifications, no job. In his own finding of facts, item #6 needs the certifications only if his board of directors says he needs them. So, he can get a waiver from his own board that says he doesn't need certification for his job so by our taking his certification, we did not deny him copyright, it is his own fire dept. that is doing that.
- He was convicted in 2001; we did not have the rule saying we could do this until 2009, so we cannot go backward in time. He was on the child predator list until 2011 and being on the list created an ongoing offense and the Board did have the right to decertify him at that time.

John Smith stated that he was offended that this man was ever called a volunteer firefighter. I feels that the Board should act on this, this man is a disgrace to the fire service and the fact that he was able to stay under the radar of discipline from the fire service is a tragedy. I feel that is all of our responsibility to act on this.

Chairman Wyant stated that the options are that the Board can either affirm this order of dismissal—and there are several members that do not want to do that—or the Board can modify the order, remand it with instruction or dissolve the order.

Legal counsel advised that there are 2 ways to address this; you can either affirm the order or review the order; this requires you to identify specific items that you want to review, or if you need more time, you can table it.

Chris Johnson made a motion to put this item for review. Items for review are:

1. How a felony does not qualify as an offense
2. How a conviction of child exploitation does not meet the child molestation rule
3. How decertification functions not as punishment but as a simple fact of his history.
4. By taking action on his certifications, we are not depriving him of his property rights. The local board is doing that.
5. How the interpretation of being on the sexual predator list does not violate the ex post facto since he was on there for 2 years after the board had authority to take action.

John Smith seconded the motion. Chris Johnson requested a special meeting for this issue.

Legal Counsel stated that both parties would be notified of the review.

Burke Jones made the statement that he was amazed that this issue has reached this level. It should have been handled locally.

D Variance requests;

1. Jason Giszewski requested a variance for Instructor I. He held an Instructor I and it expired in 2011. He currently holds an ILEA Primary Instructor. He has met all prerequisites for the certification.

Staff recommends approval pending his passing the Instructor Reciprocity test and this is done within 90 days.

Comment [WJ1]: What happened here? Was it approved?

2. William Monohan, Prosser Career Education Center; requested a variance from 655 IAC 1-1-12(e) to allow the following students, each of whom currently is 16 years of age and a junior, to take the written examinations for [Mandatory, Firefighter I, Firefighter II, Firefighter I/II, and Hazardous Materials Awareness and Hazardous Material Operations,] prior to taking the practical skills examinations, with the variance to be valid until their 19th birthday:

And

from 655 IAC 1-1-12(h) to allow the following students to take the practical skills examinations for [Mandatory, Firefighter I, Firefighter II, Firefighter I/II, and Hazardous Materials Awareness and Hazardous Material Operations] at the age of 17 years and 1 week and have their passing score remain valid until their 18th birthday, with the variance to be valid until their 19th birthday:

Keeton Ashby; Madison Boulineau; Mark Bowen; Colton Bower; Kenzie Burdin; Matt Collins; Alden Corum; Prescott Cummins; Elixus Davis; Caitlin Dudley; Blake Durbin; Dillen Harper; Cameron Herthel; Jordan Hickey; Robert Job; Joe Kron; Grayson Lone; Zayne Lowery; Whitney Moon; Hailey Sprayberry; Casey Stephenson; Juan Torres; Caden Trump; Huner White; Parker Wright; Ryan Wyzard.

Staff recommends approval.

Burke Jones made a motion to approve. Rob Lund seconded. Motion passed.

3. Michial Compton, Elkhart Fire Dept. requested a variance for out of order testing for the Rescue operations and technician testing. The classes are not offered in order and they need to take the testing as it becomes available. They are requesting that certification be held until the prerequisite can be met for that certification.

Staff recommends approval pending a list of participating students is submitted to staff within 30 days from today and all testing including retests must be completed within 1 year from today.

Mr. Compton was on the phone with the Board and expanded on the request. They had already completed the class and were actually requesting certification for the structural collapse rescue operations and then later when the Trench class became available they would complete the prerequisite. This was a state sponsored class and Mr. Compton was under the impression that they would receive certification upon completion.

Board members expressed concern about allowing certification and prerequisites at a later date.

Burke Jones made a motion to approve testing, but not certification until all prerequisites had been met. They would have 1 year in order to get all testing complete. If not able to within 1 year they can request an extension. Rob Lund seconded the motion. Motion passed.

4. Doug Lutes, (Blue River Career Programs) requested a variance from 655 IAC 1-1-12(e) to allow the following students, each of whom currently is 16 years of age or older, and a junior, to take the written examinations for

Mandatory, Firefighter I, Firefighter II, Firefighter I/II, and Hazardous Materials Awareness and Hazardous Material Operations, prior to taking the practical skills examinations, with the variance to be valid until their 19th birthday.

Jordan Browning, Levi Macdonald

And

a variance from 655 IAC 1-1-12(h) to allow the following students to take the practical skills examinations for [Mandatory, Firefighter I, Firefighter II, Firefighter I/II, and Hazardous Materials Awareness and Hazardous Material Operations] at the age of 17 years and 1 week and have their passing score remain valid until their 18th birthday, with the variance to be valid until their 19th birthday.

Jordan Browning, Logan Coffey, Nick Guhl, Jacob Kelley, Levi Macdonald,

Staff recommends approval

Eric Dreiman made a motion to approve. Rob Lund seconded. Motion passed.

5. Andrew Giordano requested a variance for Instructor I. He completed an on line course through FPP Learning Website and he has completed all state skills. He has met the prerequisite for this certification.

Staff recommends denial. He needs to pass the state written exam.

John Smith stated that with the training he has had, he should have no problem with the state test. Chris Johnson made a motion stating the Mr. Giordano should take the state test. Eric Dreiman seconded. Motion passed.

6. Jonathon Rollins requested an ADA variance. He is requesting that the testing be read to him.

Staff recommends denial. He submitted an incomplete application,

Eric Gentry made a motion to deny. The form is incomplete. A lot of work went into the form, so that we were asking for as little as possible but we do require the signature of a qualified person. Eric Dreiman seconded. Motion passed.

7. Erin Kinslow, Frankfort Fire Dept, requested a variance from 655 IAC 1-1-12(h) to allow the following students to take the practical skills examinations for [Mandatory, Firefighter I, Firefighter II, Firefighter I/II, and Hazardous Materials Awareness and Hazardous Material Operations] at the age of 17 years and 1 week and have their passing score remain valid until their 18th birthday, with the variance to be valid until their 19th birthday:

Randy Weaver; Austin Alexander; Chase Ashley; Makayla Franks; Jennifer Carapia; Kyle Smart; Corbin Goodwin; Adrian Carrillo; Antonio Angeles; Caleb Bryan; Alec Gibbons; Evan Stidham.

Staff recommends approval

Burke Jones made a motion to approve. Rob Lund seconded. Motion passed.

8. Jeff Berning, Anthis Career Academy requested a variance from 655 IAC 1-1-12(e) to allow the following students, each of whom currently is 16 years of age or older, and a junior, to take the written examinations for

Mandatory, Firefighter I, Firefighter II, Firefighter I/II, and Hazardous Materials Awareness and Hazardous Material Operations, prior to taking the practical skills examinations, with the variance to be valid until their 19th birthday.

And

a variance from 655 IAC 1-1-12(h) to allow the following students to take the practical skills examinations for Mandatory, Firefighter I, Firefighter II, Firefighter

I/II, and Hazardous Materials Awareness and Hazardous Material Operations] at the age of 17 years and 1 week and have their passing score remain valid until their 18th birthday, with the variance to be valid until their 19th birthday.

Chris Ayers; Ian Brubaker; Daniel Davis; Quinten Davis; Noah Hammond; Zachary Hein; Mekena Hurse; Noah Kemery; James Lewis; Dane Martin; Tabatha Miller; Bailey Nevills; Matthew Phillipson; Quinten Rork; Destin Shull-Lecompte; Justin Smith; Mickenzie Sneiderwine; Shane Stewart; Jace Stucky.

Staff recommends approval.

Eric Dreiman made a motion to approve. Eric Gentry seconded. Motion passed.

9. Kyle Kazmierczak, A.K. Smith Center, Michigan City, requested a variance from 655 IAC 1-1-12 (e) to allow the following students, each of whom currently is sixteen (16) years of age and a junior, to take the written examinations for Mandatory, Firefighter I, Firefighter II, Firefighter I/II, Hazardous Materials awareness and operations prior to taking the practical skills examinations with the variance to be valid until their 19th birthday:

Raymond Alexander – 16

Thomas Lemmon - 16

And

a variance from 655 IAC 1-1-12 (h) to allow the following students to take the practical skills examinations for Mandatory, Firefighter I, Firefighter II, Firefighter I/II and Hazardous Materials awareness and operations at the age of seventeen (17) years and one (1) week and have their passing score remain valid until their eighteenth (18th) birthday with the variance to be valid until their nineteenth (19th) birthday:

Kelon Goggans – 17

Ryan Kiel – 17

Montel Henderson-Moore – 17

Brendan Numberg – 17

Frankie Phillips – 17

Skye Stewart – 17

Staff recommends approval

Eric Dreiman made a motion to approve. Rob Lund seconded. Motion passed.

10. Dan Siek, Anderson High school Career Campus, requested a variance from 655 IAC 1-1-12 (e) to allow the following students, each of whom currently is sixteen (16) years of age and a junior, to take the written examinations for Mandatory, Firefighter I, Firefighter II, Firefighter I/II, Hazardous Materials awareness and operations prior to taking the practical skills examinations with the variance to be valid until their 19th birthday:

And

a variance from 655 IAC 1-1-12 (h) to allow the following students to take the practical skills examinations for Mandatory, Firefighter I, Firefighter II, Firefighter I/II and Hazardous Materials awareness and operations at the age of seventeen (17) years and one (1) week and have their passing score remain valid until their eighteenth (18th) birthday with the variance to be valid until their nineteenth (19th) birthday:

Farrah Figel; Pedro Hernandez; Michelle Hockema; Samuel Hudson; Alex Jones; Madelana Montano; Tyle Pursley; Peyton Randolph; Ariana Sierra; Nicholas Squires; Adrian Wilbur; Issac Evans; Jesus Rangel; and Emma Simer.

Staff recommends approval.

Eric Dreiman made a motion to approve. John Smith seconded. Motion passed.

11. Raymond Collins, Instructor at the Elkhart Area Career Center of Elkhart Community School Corp and Ivy Tech Community College requested a variance from 655 IAC 1-1-12(e) to allow the following students, which several are currently is 16 years of age and a junior, to take the written examinations for [Mandatory, Firefighter I, Firefighter II, Firefighter I/II, and Hazardous Materials Awareness and Operations,] prior to taking the practical skills examinations, with the variance to be valid until their 19th birthday:

Leah Fager, Isaac Rose, Jamie Sherfick, Sloan Murphy, Ryan Cox, Kyle Snyder, Ashlyn Corpe, Thomas Pittman, Keith Hartzler, Joshua Bolen, Jaysen Miller, Torreon Edwards, Jacob Thrash, Collin Tiemann, Hunter Johnston, Dennis Turner,

and requests a variance for 655 IAC 1-1-12(h) to allow the following students, which several are currently 17 years and 1 week, to take the practical skills examinations for [Mandatory, Firefighter I, Firefighter II, Firefighter I/II, and Hazardous Materials Awareness and Operations] at the age of 17 years and 1

week and have their passing score remain valid until their 18th birthday, with the variance to be valid until their 19th birthday:

Andrew Kauffman, Nolan Martin, Carl Cain, Dante Rosetto, Thomas Dean, Thomas Montgomery, Trevor Eggers-Kukla, Anthony Gordon, Nicholas Folk, Frederick Zeon, Anthony Antao, Leah Bender,

Eric Gentry made a motion to approve. Rob Lund seconded. Motion passed.

12. Doug Clark requested a variance for Instructor I based on Bachelor from Ball State in Telecommunication's with a minor in coaching.

Eric Gentry made a motion to deny. There are no qualifying classes for Instructor I listed on the transcripts from Ball State. Rob Lund seconded. Motion passed.

- E. James Greeson, State Fire Marshal report;

Robert Johnson, Assistant State Fire Marshal was in attendance for the Marshal.

Just want to reminder that Fire Prevention Week is coming in October.

- F. Joe Romero, Director of Training report;
No report

- G. John Buckman, fire training report;

We need a motion from the Board to give directions to staff to proceed to update the NFPA standards to the following:

NFPA 1001 to the 2013 standard

NFPA 1002 to the 2015 standard

NFPA 1003 to the 2015 standard

NFPA 1021 to the 2014 standard

NFPA 1031 to the 2014 standard

NFPA 1035 to the 2010 standard

NFPA1041 to the 2012 standard

NFPA 1521 to the 2015 standard

NFPA 472 to the 2013 standard

NFPA 1670 to the 2014 standard

This has to be done due to IFSAC requirements

Eric Gentry made a motion directing staff to start updating the NFPA standards. Burke Jones seconded.

- 1) Policy on no longer accepting IFSAC to renew instructor certification without reciprocity test

You will be allowed to use IFSAC for reciprocity for the initial instructor certification, but it cannot be used as renewal of Instructor certification.

- 2) Process for the master to qualify to teach/lead evaluator today. What type of interest from any master holders, would mandated coaching met the need?

Persons who hold a Master Certification in the following categories:

- Driver Operator; Arson Investigation; Hazardous Materials Technician
- Fire Prevention/Inspection; Aircraft Crash and Rescue; Tactics

and who also hold a current/valid Instructor I or Instructor II/III certification and who desire to become qualified to serve as the Lead Instructor or Lead Evaluator for one of the above courses shall contact the Academy office staff 60 days before a course starts to participate in a quality assurance review. Prior to contacting the Academy office for the quality assurance review the person shall have developed a complete syllabus in accordance with the available lead instructor planning template available online.

Eric Dreiman made a motion to approve. Burke Jones seconded. Motion passed. John Buckman stated he will write a formal policy on this issue.

- 3) In the quality control program; we are trying to come up with a policy that prohibits us from calling the same people all the time when they are teaching the same program. I will bring something to the Nov. board meeting on this.

- 3) Disciplinary process on the web page (addendum #1)

- 4) D/O skills and variance request form

The skills have been reviewed and validated. The test bank is due in October. We are asking to beta test 10 programs on this.

Burke Jones made a motion to approve 10 beta tests. John Smith seconded.

- 4) Reciprocity testing, no retests allowed, this is an open book test

We are asking that since this an open book test, it is a non- proctored test.

We are asking that if they fail this test, retests are not eligible. If you fail, you would be required to take the full Instructor test and skills.

Eric Gentry made a motion that no retests will be allowed for Instructor reciprocity test. Rob Lund seconded. Motion passed.

H Request for reciprocity;

No requests at this time

I. Administrative appeal requests;

No requests at this time

J Old business;

1) Board participation in the Fire Academy

No update at this time.

2) New Fire Officer Strategy and Tactics committee, Joel Thacker, Fire Chief Brownsburg Fire Territory.

The FOST program started in 2005 and was based on the NFA program. It was updated in 2008 using the James Smith book. In 2013 we started updating the program again. We added high rise, church fires, industrial; we tried to add programs that were related to current times and all locations. This is not based on any NFPA standard. Part of the program uses the Thinking Firefighter from South Carolina. You can access this through the Acadis portal training. We tried to build a program for the initial arrival. The program can be modeled after your area. We also looked at skills vs knowledge. There are 4 skills and the written test has 25 questions. State is printing the manuals for the districts and it will be on line so that you can download and print yourselves. There are no books to purchase for this program. If all you have is mandatory this helps you if you are the first on scene. We developed skills for limited staffing and rural water supply. We suggest that individuals who want to teach this attend the train-to-trainer. This is not mandated, but it will help you understand the program. There are going to be 6 train-to-trainers around the state, and I strongly urge you to attend one of these. State needs to get books printed up and the test ready to go so we are looking at the first part of 2016 before this will be available.

K. New business;

1) Elections at the next meeting

Nominations: Greg Wyant for Chair; Co-Chair –Eric Dreiman; Secretary, Rob Lund

Elections will be at the Nov. 23th meeting.

- 2) Proposed 2016 dates: Jan 11; March 17; April 25; June 16, IVFA; Aug 1; Oct 3; Nov 28th - Locations to be discussed.

Dates were approved and locations were discussed. The location for meeting in 2016 will be in Indianapolis with the exception of the IVFA.

L. Any comments or questions from the audience?

M. Meeting adjourned at 7:45 pm

NEXT MEETING:

Nov 23, 2015 6pm
Huntingburg City Hall
508 E Fourth St
Huntingburg IN 47542
812-683-4143

Addendum 1

To: Board of Firefighting Personnel Standards and Education

From: John M. Buckman III

Date:

Re: Discipline Process

Time Frame

- Upon receipt of a written complaint in the offices of the Board the staff will review the complaint.
- If staff discovers a potential rule violation during processing the staff will implement the same process as a written complaint.
- The review will include at a minimum the criteria to determine if the allegation is in fact a violation of a current Board rule.
- This review will be completed within 7 days of receipt.
- If the determination made by staff that there is a alleged rule a s there is a formal

investigation will begun by staff.

- The Instructor involved in the issues shall be contacted within 7 days to schedule an interview.
- If the violator admits rule violation or the review indicates there is a rule violation the peer group will begin within 14 days.
- The peer group will have 30 days to schedule, conduct and recommend to staff if any disciplinary action is necessary.
- If the instructor does not admit the investigation will continue.
- If necessary the staff may need to schedule other interviews with persons involved in the allegations within 7 days.
- After all interviews/investigation has been completed a final report shall be completed within 30 days.

After an investigation is completed reference a certification issue and the Staff believes an actual discipline action should take place a peer review group will be convened.

The peer review group will be comprised of one representative from:

- Professional Firefighter Union of Indiana
- Indiana Fire Chiefs Association
- Indiana Volunteer Firefighters Association

The peer review group will be convened using the most appropriate communications technology including but not limited to:

- In-Person Meeting
- Conference Call
- Video Conferencing
- Webinar

The peer review group will be provided with all of the information the State has acquired as part the investigation on the particular issue. The State will also provided copies to the person(s) under investigation. The peer review group understands the information shared by the State or other persons IS NOT for dissemination to anyone other than the participants. The certified Instructor may also choose to provide any written documentation to the peer review group. The meeting will be convened. The State will provide any pertinent information on the issues that might require disciplinary action.

The peer review group will then review and listen to any information or statements from the State and the Certified Instructor. The peer review group may ask questions of either party. The peer review group will then determine if the information provided by the State rises to level of formal discipline. The formal discipline may include:

- No Discipline
- Letter of Reprimand
- Suspension / not to exceed 6 months
- Revocation of Certification

The State after the recommendation write a letter to the certified instructor of any disciplinary action that is being taken.

The State shall inform the Board of any disciplinary action being taken.